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OFFICE OF PETITIONS

In re Application of	:
Moore et al.	: DECISION GRANTING
Application No. 10/729,681	: PETITION
Filed: 5 December, 2003	:
Attorney Docket No. INI-0031-D2	:

This is a decision on the petition styled under 37 CFR 1.182, filed on 28 October, 2004, which is treated as a petition under 37 CFR 1.53, requesting that the above-identified application, including 26 sheets of drawings, be accorded a filing date of 5 December, 2003.

The application was filed on 5 December, 2003. Accordingly, on 1 October, 2004, Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application" stating that no filing date had been assigned because the application was deposited without drawings, and requiring drawings be filed if necessary. In response, on 28 October, 2004, the present petition was filed, accompanied by 26 sheets of drawings.

Petitioners assert that the application as filed included 26 sheets of drawings which were misplaced after receipt at the USPTO. In support, a copy of petitioners' itemized postcard receipt was supplied. The postcard bears an Office date of 12-05-03 and the above-identified application number and itemizes the filing of, *inter alia*, "Figures (26 sheets)".

A review of the record reveals that no sheets of drawings received on 5 December, 2003, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on 5 December, 2003, included 26 sheets of drawings which were subsequently misplaced in the Office. Therefore, the application, including 26 sheets of drawings, is entitled to a filing date of 5 December, 2003.

In view of the above, the petition is granted. The petition fee of \$130.00 is unnecessary and will be credited to counsel's deposit account, No. 06-1130.

The application will be processed with the copy of the 26 sheets of drawings supplied on 28 October, 2004, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 5 December, 2003, using the application papers filed on that date, and the copy of 26 sheets of drawings described in the specification supplied with the present petition, and for an indication in Office records that 26 sheets of drawings were present on filing.

Telephone inquiries should be directed to the undersigned at 571-272-3231.

A handwritten signature in black ink, appearing to read "D. Wood", is positioned above the printed name.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions